

CHAPTER NO. 957

HOUSE BILL NO. 3580

By Representatives Coleman, DuBois, Curtis Johnson, Hargrove, Sargent, Casada, Dean, Shaw

Substituted for: Senate Bill No. 3669

By Senator Haynes

AN ACT to amend Tennessee Code Annotated, Title 8 and Title 16, relative to compensation of general sessions judges.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 16-15-5003 , is amended by adding the following as a new subsection (j) and relettering the present subsection (j) accordingly:

(j)

(1) Notwithstanding any provision of law or public chapter to the contrary, effective September 1, 2006, the annual salary for a general sessions court judge who is compensated under the provisions of this section shall be increased over the annual compensation and supplements and annual adjustments which each judge actually received as of August 31, 2006, by the lesser of:

(A) Ten Thousand Dollars (\$10,000); or

(B) Twenty percent of such annual compensation and supplements and annual adjustments as of August 31, 2006.

(2) A judge of a general sessions court may not be paid compensation based on both this part and the compensation provisions of a private act.

(3) Notwithstanding any provision of this act to the contrary, each general sessions court judge in a Class 1 county who is compensated under the provisions of this section shall receive the same compensation as the most highly compensated general sessions court judge in a Class 1 county who is compensated under the provisions of this section.

(4) Notwithstanding any provision of this act to the contrary, each general sessions court judge in a Class 2--7 county who is compensated under the provisions of this section and who receives the maximum amount of annual supplements shall receive the same compensation as the most highly compensated general sessions court judge in the same county classification who is compensated under the provisions of this section. All other general sessions court judges in Class 2 - 7 counties who are compensated under the provisions of this section shall receive the same compensation as the most highly compensated general sessions court judge in the same county classification with the same jurisdiction who is compensated under the provisions of this section.

Provided, however, no judge shall be paid a salary that reflects jurisdictional supplements that such judge is not entitled to exercise by law.

(5) Instead of the annual adjustments authorized in subsection (f), on July 1, 2007 and each succeeding July 1, the annual compensation and supplements and annual adjustments established under this section shall be adjusted in accordance with the provisions of § 8-23-103.

(6) Nothing in this part shall be construed as prohibiting a county, by public or private act, from compensating its general sessions court judge or judges at levels in excess of what is required by this section. Any public or private act in effect on September 1, 2006, which provides greater compensation for a general sessions court judge than is required by this section shall, to the extent of the judge's amount of compensation, prevail over the provisions of this section. Notwithstanding any provision of this act to the contrary, a general sessions court judge in a Class 6 county who receives no supplements and who is compensated under the provisions of a private or public act and not under this section shall receive the same increase provided in subdivision 1) of this subsection.

(7) On or before July 15, 2006, each general sessions court judge shall certify to the Administrative Office of the Courts the total amount of such judge's actual compensation as of August 31, 2006, the jurisdictions exercised by such judge, the legal basis for exercising such jurisdiction, and whether such judge is compensated under the provisions of this section or under a public or private act. Included in the information submitted by the judge to the Administrative Office of the Courts shall be a certification of the county's chief financial officer of the actual compensation of the judge as of August 31, 2006 or other verifiable proof of the judge's actual compensation. When all judges have certified the required information to the Administrative Office of the Courts, the Administrative Office of the Courts shall report to each general sessions court judge the amount of compensation to be paid to such general sessions court judge beginning on September 1, 2006 based on the information provided by such judges. Thereafter, when a new court is created, a new judge takes office, or any similar change occurs, or upon the completion of a new federal census, the Administrative Office of the Courts shall report the amount of compensation to be paid to any judge affected by such change.

(8) The judges of the general sessions court in any county with a population of not less than three hundred eighty-two thousand (382,000) nor more than three hundred eighty-two thousand one hundred (382,100) according to the 2000 federal census or any subsequent federal census and that has a charter form of government shall receive the same annual compensation as the general sessions judges in those counties with a metropolitan form of government and a population in excess of five hundred thousand (500,000) according to the 2000 federal census or any subsequent federal census.

(9) No general sessions judge who engages in the private practice of law shall receive any increase in salary pursuant to the provisions of this subsection if such judge is prohibited by law from engaging in private practice.

SECTION 2. Chapter 324 of the Public Acts of 2005 is repealed in its entirety.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect on July 1, 2006, the public welfare requiring it

PASSED: May 25, 2006


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES
JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 20th day of June 2006


PHIL BREDESEN, GOVERNOR